

REMARKS

In the Final Office Action¹, the Examiner rejected claims 43, 44, 46, 48-52, 54, 56-75, 77, and 79-88 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2005/0278771 to Hassell et al. ("Hassell") in view of U.S. Patent No. 6,588,015 to Eyer et al. ("Eyer") and further in view of U.S. Patent No. 6,807,367 to Durlach ("Durlach"); rejected claims 45, 53, and 76 under 35 U.S.C. § 103(a) as unpatentable over *Hassell* in view of *Eyer* and *Durlach* and further in view of U.S. Patent Application Publication No. 2003/0088872 to Maisel et al. ("Maisel"); and rejected claims 47, 55, and 78 under 35 U.S.C. § 103(a) as unpatentable over *Hassell* in view of *Eyer* and *Durlach* and further in view of U.S. Patent No. 6,323,911 to Schein et al. ("Schein").

By this Amendment, Applicant amends claims 43, 44, 51, 52, 59, 62, 65, 66, 69, 72-75, 84, 87, and 88, and cancel claims 46, 54, 60, 61, 67, 68, 77, 82, and 83 without prejudice or disclaimer.

I. **The Rejection of Claims 43, 44, 46, 48-52, 54, 56-75, 77, and 79-88 under 35 U.S.C. § 103(a)**

Applicant respectfully traverses the rejection of claims 43, 44, 46, 48-52, 54, 56-75, 77, and 79-88 under 35 U.S.C. § 103(a). No *prima facie* case of obviousness has been established.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Independent claim 43 recites a content reproducing system comprising, among other things, "a button that performs both ... select[ing] the position within the first content item ... and ... skip[ping] ... directly to the beginning of second content item, depending on how long the button is depressed and held by the user" (emphasis added).

Hassell discloses an interactive television program guide system provided with digital storage, that allows users to store information associated with recorded programs in a directory in a digital storage device (*Hassell*, abstract). *Hassell* also discloses providing a program listings grid using rows to organize listings according to organizational criteria, thereby treating the digital storage device as an additional channel (*Hassell*, ¶ 37 and FIG. 5B). However, *Hassell* fails to disclose a button that performs both selecting a position within one of the programs and skipping directly to the beginning of another program. Therefore, *Hassell* does not teach or suggest "a button that performs both ... select[ing] the position within the first content item ... and ... skip[ping] ... directly to the beginning of second content item, depending on how long the button is depressed and held by the user," as recited by independent claim 43.

Eyer discloses a digital broadcast system that provides interactive features such as skip forward and skip backward (*Eyer*, abstract). Users can play a current track or skip to subsequent or earlier tracks (*Eyer*, abstract). If a user wishes to play "subsequent portions of the current track," the user can use a FAST FORWARD button (*Eyer*, col. 7, lines 39-41). The amount of fast-forwarding within the current track is

based on the duration the FAST FORWARD button is depressed (*Eyer*, col. 7, lines 50-59).

However, *Eyer's* FAST FORWARD button cannot constitute the claimed button. The claimed button "skip[s] directly to the beginning of the second content item." In contrast, while *Eyer's* FAST FORWARD button can be used to fast forward to subsequent tracks, *Eyer's* FAST FORWARD button does so by fast-forwarding through the current track, rather than skipping directly to the next track (See *Eyer*, col. 7, lines 50-59 and col. 8, lines 20-31). Therefore, *Eyer* does not teach or suggest "a button that performs both ... select[ing] the position within the first content item ... and ... skip[ping] ... directly to the beginning of second content item, depending on how long the button is depressed and held by the user," as recited by independent claim 43.

Durlach fails to cure the deficiencies of *Hassell* and *Eyer*. *Durlach* discloses a viewing method for progressing through a movie sequence using a dial (*Durlach*, abstract). *Durlach* also discloses that the movie advances more slowly or more quickly depending on how quickly a user rotates a dial, and a "current location indicator 206" that indicates where the user has advanced to within the movie (*Durlach*, col. 13, lines 1-18 and FIG. S4). However, *Durlach* does not teach or suggest "a button that performs both ... select[ing] the position within the first content item ... and ... skip[ping] ... directly to the beginning of second content item, depending on how long the button is depressed and held by the user," as recited by independent claim 43.

For the reasons set forth above, no *prima facie* case of obviousness has been established with respect to claim 43. Independent claims 51, 59, and 74, while of

different scope, recite elements similar to those of claim 43 and are thus allowable over *Hassell*, *Eyer*, and *Durlach* for at least similar reasons discussed above with respect to claim 43. Claims 44, 48-50, and 62-66 depend from independent claim 43, claims 52, 56-58, and 69-73 depend from independent claim 51, and claims 75, 76, 78-1, and 84-88 depend from independent claim 74, and are thus allowable over *Hassell*, *Eyer*, and *Durlach* for at least similar reasons as claim 43. Claims 46, 54, 60, 61, 67, 68, 77, 82, and 83 have been canceled, rendering the rejection moot with respect to these claims.

II. The Rejection of Claims 45, 53, and 76 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 45, 53, and 76 under 35 U.S.C. § 103(a). Claim 45 depends from claim 43, claim 53 depends from claim 51, and claim 76 depends from claim 74. As already discussed, *Hassell*, *Eyer*, and *Durlach* fail to teach or suggest certain features of claim 43.

MaisSEL fails to cure the deficiencies of *Hassell* and *Eyer*. *MaisSEL* discloses, "[i]n a digital television recording method, programs are selected for recording based on analysis of program schedule information, user preferences, and the priority of previously recorded programs" (*MaisSEL*, abstract). *MaisSEL* also discloses a "NEXT" button that can be used to browse forward through the stored programs (*MaisSEL*, ¶ 368). However, *MaisSEL* does not disclose that whether the "NEXT" button skips to the beginning of a program depends on how long the "NEXT" button is depressed. Therefore, *MaisSEL* does not teach or suggest "a button that performs both ... select[ing] the position within the first content item ... and ... skip[ping] ... directly to the beginning

of second content item, depending on how long the button is depressed and held by the user," as recited by independent claim 43.

For at least the reasons discussed above, claims 45, 53, and 76 are allowable over the cited references, at least due to their dependence from allowable base claims.

III. The Rejection of claims 47, 55, and 78 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 47, 55, and 78 under 35 U.S.C. § 103(a). Claim 47 depends from claim 43, claim 57 depends from claim 51, and claim 78 depends from claim 74. As already discussed, *Hassell*, *Eyer*, and *Durlach* fail to teach or suggest certain features of claim 43.

Schein discloses a "television schedule system and method" using an "input device [that] allows the viewer to browse through the schedule information area" (*Schein*, abstract). *Schein* also discloses a "local controller" with a "horizontal scroll mechanism for moving the cursor in an 'x' direction or horizontally across the display screen ... buttons 32, 34 can be configured so that continuous depression of one button 32, 34 moves the cursor horizontally through a plurality of items" (*Schein*, col. 5, lines 45-59). However, *Schein* does not teach or suggest "a button that performs both ... select[ing] the position within the first content item ... and ... skip[ping] ... directly to the beginning of second content item, depending on how long the button is depressed and held by the user," as recited by independent claim 43.

For at least the reasons discussed above, claims 47, 55, and 78 are allowable over the cited references, at least due to its dependence from allowable base claims.

IV. Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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